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VIA ECF

Honorable Sanket J. Bulsera
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Beauford et. als. v. City of New York, et al., 13-CV-7054 (LDH) (SJB)

Your Honor:

I am the attorney for plaintiffs. I write to request that Your Honor compel defendants to produce certain police documents or provide a sworn affidavit, from an NYPD official with direct knowledge, explaining their absence. The parties have conferred on this issue.

In a December 17, 2017 letter to Your Honor, plaintiffs explained that during a deposition it was learned that essential police paperwork, called “DD5’s”, was not produced. DD5’s are reports that a detective must fill out to memorialize, amongst other things, every investigative step taken, or “tip” received. See, Exhibit 1, Deposition of Defendant Colin Wilson (“Wilson”) taken on December 5, 2017, Page 27, Line 15 through Page 29, line 20).

Despite Wilson’s testimony to the contrary, and Wilson’s statement that the keeping of these documents are now “computerized”, plaintiff is informed no DD5s exist. These documents are particularly vital as Wilson testifies that he remembers little about this investigation. *Id.*, at page 29, lines 3- 20.

If these documents do not exist, plaintiffs respectfully request that Your Honor order defendants to provide a sworn affidavit, from an NYPD official with direct knowledge, explaining their absence. If they do exist, plaintiffs request immediate production.

Additionally, plaintiffs request that a copy of an “audit report” of the investigative file be produced. This report shows when DD5s and other case-related documents were created, accessed and edited. In the event that NYPD claims that this document also does not exist, plaintiffs request that Your Honor order defendants to provide a similar sworn affidavit.

I thank Your Honor for consideration of this request.

Sincerely,

/s

Robert Marinelli